

MINUTES
BUILDING AND STANDARDS COMMISSION
February 13, 1996
4:06 p.m.

Members present: Bill Sullivant, Donna Doty, Whit Williams,
Lee Birkhead,

Members absent: Jan Russell

Staff present: Stephen Gullatt, Roy Lewis, Marcia Browning,

Visitors: Joan Burlison, James E. Brinkley, George Burlison
Clint Cleveland

The first item of business on the agenda was the calling of the meeting to order at 4:06 p.m.

Whit Williams stated, the first order of business would be to swear in those people who will be testifying in today meeting. Is there anyone here today that wishes to testify before this Board?

Whit Williams then requested, anyone wanting to testify today to please stand and be raise your right hand and be sworn in at this time. Do you solemnly swear to tell the truth the whole truth and nothing but the truth so help you God?

The second item of business on the agenda was the consideration and approval of minutes of the regular meeting of Tuesday, February 13, 1996.

Whit Williams asked, has everyone had an opportunity to read the minutes from our last meeting? Then I entertain a motion that we approve.

Motion made by Lee Birkhead.

Second by Bill Sullivant.

Whit Williams stated, moved and second that we accept and approve the minutes as written all in favor?

AYES: ALL NAYS: NONE ABSENT: Jan Russell ABSTENTIONS: NONE

The third item of business on the agenda was consideration and action on the substandard condition of a structure located at 601 N Culberson Case NO. BS-95-34

Mr Lewis stated 601 culberson is one that we had condemned in the last meeting. Here is the file on it if anyone wishes to review it. Two or three weeks ago Mr. Brinkley came by the office to ask

for a extension. I told him that I could not give him an extension he would have to come back before the Board. In the mean time I found out that in Austin they had a case something like this one. They gave him 30 days to bring it into compliance and after that they gave another 60 days to be out of the house and then ordered it demolished. And I believe at the last meeting we did not give him a specific time to be out of the house. And with an established case like that one we may want to do something. That is all I have on this case.

Mr. Williams asked Do you wish to address the Board, Mr. Brinkley?

Mr. Brinkley stated, Yes, I do have something to say to the Board. There is a carpenter, a Mr. McGilvray, you might know him. He goes around town and buys old houses and rebuilds them and then sells them, or uses the old lumber for his work on other jobs. He wants to get the house from me to put more windows and floors in it. He wants to buy the property from me. Before, someone told me that you can have a house removed for a \$35.00 permit. He was telling me I should leave it there like it is and sell it to him for the land and the property. All I have to do is get the title from Mr. John Ebersson. He has it at his house. The only thing is that he died this past weekend. And now I will have to ask his daughters to go through his personal papers to find the title. The court house and the appraisal district told me all I need is the release form from Austin.

Mr. Williams stated that he had read the obituaries where Mr. Ebersson had died. Is this the same one you are talking about?

Mr. Brinkley stated yes this is the same one. But he does have the title at his house. Mr. McGilvray said that he wants property as is. He said that he wanted to talk to someone here at the City. Or maybe get with someone on the Board.

Mr. Williams stated that looking at the structure, it is our opinion that it would cost more to fix it than to demolish it.

Mr. Brinkley stated that he had told him just what he was offered for the house. He then told me he would give me \$2000 for it. I do not know who he wants to talk to here.

Mr. Lewis stated he has bought property around here before and has done a real good job at fixing them up. I don't think the other have been in this bad of shape.

Mr. Brinkley stated he needs to go tell him what has been decide. It will be okay if he wants to salvage the lumber if he wants to.

Mr. Williams stated our interest in this is that we get the property cleaned up. We don't care how the lumber is used, we just want it gone. And it needs to be put into a state of repair that is acceptable to the building code or it needs to be destroyed. He can haul it away or salvage it, What ever he likes. That really does not matter. Also who owns it does not matter to us either at the time we are talking about the property.

Mr. Brinkley stated he wants to remodel or restore it. That's what he is talking about. Now he might go and change his mind and remove it. So he can either remodel or remove it, he has two

choices.

Mr. Williams stated please state your name.

Mr. George Burlison.

Mr. Williams stated do you have something you wish to say concerning this property.

Mr. Burlison stated yes I do. The property is like you said not worth fixing up. There is too much structural damage to the house. In order to fix it up you would have to almost take it down and start over again.

Mr. Sullivant asked what was that case you were talking about.

Mr. Lewis replied it was in Austin and I have been trying to call the attorney down there and he has not called me back. They had a building that was like this. It was substandard and a person living in it also. The police were out there on complaints all the time. They finally condemned the building and gave him 30 days to either bring it into compliance or remove it. If he did not have that done within the time limit, then they gave him additional 60 days to be out of there and then they were there to bulldoze it.

Mr. Sullivant stated we have already ordered the thing demolished or removed within 30 days.

Mr. Williams stated you indicated to us Mr. Brinkley that by the second week in January that you would be out. I think the best thing we can do for you today is to give you some instruction and tell you what you need to do. And because we are behind slightly in our demolishing scheduling you may have a little grace there. But within 30 days from today if that building is not gone then I'm thinking within that time then we should just add it to our list.

Mr. Brinkley asked what should I tell this man Mr. McGillyvry?

Mr. Sullivant replied tell him it is going to be torn down.

Mr. Williams stated tell him it is going to be torn down and the lot is for sale.

Mr. Brinkley stated are you going to tear it down or what.

Mr. Williams replied if it is gone within the 30 days that's fine we don't care.

Mr. Brinkley stated it can be house removal or salvaged for lumber.

Mr. Williams stated as long as it is gone and the lot is cleaned up within the 30 days that will be just fine. Now anything left on that lot we will at the end of the 30 period we will come in and remove it.

Mr. Brinkley stated I will go talk to him about this.

Mr. Williams stated okay you tell him that within 30 days from this date the City Crew will be there to demolish this house.

Mr. Brinkley stated so he needs to either salvage it or have a house removal.

Mr. Sullivant replied if he wants to pay for the house to be moved that's just fine.

Mr. Brinkley stated someone told Mr. Eberson that you can not move a house out of that area.

Mr. Lewis replied you can move a house from anywhere as long as you get a \$ 50.00 permit and notify the police dept. and the utilities that you are going to move a house.

Mr. Williams stated Roy will you have the City attorney draw up a letter indicating that we want property demolished or removed with in 30 days. And if NOT then the City will come in and do it and charge any expense to the owner.

Mr. Sullivant asked do we need to make any motions on this property.

Mr. Williams replied I don't believe so as we already made motion at the last meeting.

Mr. Birkhead stated we just delayed any action until today. We had already made motion #2 last time. We are giving him another 30 days which means March 13,96 it will be added to the demolition list.

Mr. Williams stated anything he wishes to salvage before that time he had better get after it.

Mr. Brinkley stated I think he wants to remodel it.

Mr. Birkhead stated that's fine but he had better remember that March 13 it is going to be added to the list. Which means he has a few more days to get it worked on or to get torn down and get it out of there. If you want to repair it or tear it down that's what we are trying to get you to do. But our recommendation to you is to tear it down and get out of there because it is going to cost to much to repair it. You have at least 30 days before it is even added to the list. You may have another 30 days before they actually come in with the bulldozer and actually clean that lot and charge it to your tax account.

Mr. Williams stated we want you to understand that just commencing work with in that time frame does not cut it, it has to be done.

Mr. Brinkley stated he was going to go talk to him and if he wants to come in and talk to you should he just come by.

Mr. Williams stated no! The house will be gone by the time we get back together.

Mr. Sullivant stated it will be gone by the time we meet again.

Mr. Brinkley stated he wanted to talk to someone here.

Mr. Williams stated well he should have been there today. I am

sorry.

The fourth Item of Business on the Agenda is the consideration and action on the determination of Building Official of the Substandard condition of a structure located at 326 N. Morris, case # BS-95-05

Mr. Lewis stated this property was brought before you a year ago or so. It was recommend that we try to get a tax sale on it to get the money out of it. I never could get the tax attorney to do anything on it or even get him to call me back and it's just getting worse and worse. So I decided to try and bring it before the commission again. The finance company that we thought owned it called me and stated they did not own this property. And the fellow Evans that we thought owned it he also called and stated he did not own it either.

Ms. Doty stated that Am West and Evans are out of the picture.

Mr. Lewis stated that's right so we don't really know who owns it at this time. And it's just sitting there and getting in worse condition all the time and it's got to have something done with it. It used to be a duplex so it's in the 300 block of Morris St. where all the rest of them are that we are trying to get demolished.

Ms. Doty stated so Gainesville I.S.D. has also disclaimed ownership. I see that they are listed on the tax roll also.

Mr. Lewis replied they have never contacted us and they are not here so I guess they are not interested either. They do have some kind of tax lien against it too that's the only reason they would be on the list.

Mr. Gullatt stated did AmWest Finance this property or something.

Mr. Lewis replied they are on the tax roll along with Gainesville I.S.D. and they have a tax lien on the property. AmWest has some kind of account with the district court against David Evans and we got this back from AmWest they claim they don't own it and David Evans claims he doesn't own it, so we don't have a clue.

Mr. Williams stated there is an abstract of judgement on 1-21-93. Abstract of judgement Federal and State tax liens have been checked against David Evans.

Mr. Lewis stated he called us up and he disclaimed ownership of this property.

Mr. Sullivant stated did anyone look at the abstract office and see what they have on this property.

Ms. Doty asked Mr. Lewis is this property still marketable.

Mr. Lewis replied I don't believe so. There have been people going in there and busting out all the windows out and the electric service is torn out and the floor is rotted out. I don't believe you can do anything with it at a good price.

Mr. Sullivant stated that David Evans is the recorded title holder.

Mr. Lewis stated that David Evans called and said that he had turned the property back over to AmWest and he no longer owned that property. And AmWest said they don't own the property so all I know is that the property is just getting in worse condition all the time.

Ms. Doty stated so the value of the property of 16,000 is not correct at this time.

Mr. Sullivant stated what has happened is that David Evans bought it and got a warranty deed on it and he gave a deed of trust to AmWest Savings. He borrowed the money to pay it back and they looked at it and said we would rather lose what we have in it than to foreclose and have property that we won't be able to get rid of at this time. Which means the property still belongs to David Evans. At least that is my thought on this property. And since he has been notified then that should be good enough.

Mr. Birkhead made motion to go with letter # 2 on that operation.

Ms. Doty asked is it our position that we then can recommend that the City do a foreclosure on the property at that time. For the cost of the demolition this way the City can get their money back and the property can be sold and put back on the tax rolls.

Mr. Lewis replied if the City does demolish it and is out any expense I will then file a lien.

Ms. Doty stated we will have expense on it as we are allowed to charge that property for the demolishing so we will have a lien on it. So I would like to recommend that as soon as that is completed that we would go ahead and have a foreclosure sale on it.

Mr. Birkhead asked how soon after the lien can you do that? Well being in that neighborhood it sure is not going to make 3400.00 dollars. Who has claim to the cash the City or County.

Mr. Sullivant replied the City for the our expense.

Ms. Doty stated wouldn't the County for the taxes.

Mr. Sullivant replied yes if they would file a lien but apparently they are not interested since they have not all ready filed.

Ms. Doty asked so if we take the action then we receive the money first.

Mr. Sullivant replied that is correct.

Mr. Williams stated we still have motion of letter # 2.
Whit Williams stated, do I hear a second for the motion ?

Bill Sullivant stated, he will second this motion

Ayes: ALL, Nays: None, Absent: Jan Russell, Abstentions: None.

The Fifth Item of Business on the Agenda is consideration and action on the determination of Building Official of the Substandard condition of a structure located at 523 N. Morris Case # BS-95-02

Mr. Lewis stated, This is similar about a year ago it was brought before the board and Nancy William recommended foreclosure at that time. I don't believe it has a window left in the building at this time. The doors have been taken off and the back porch has fallen off the house and I believe that it need to be demolished. It is a corner lot and just needs to be cleaned up. We have not been able to contact anyone that claims ownership at this time.

Mr. Williams asked did you ever get a response from anyone?

Mr. Lewis replied the tax attorney is not doing anything with it and no one has claimed it at this time.

Mr. Birkhead stated about the only thing this property would be good for would to be a shell and for someone to start completely over on the inside.

Mr. Lewis stated the property is just gotten worse and worse so what should we do with it.

Mr. Williams stated someone has to own the property that keeps me puzzled how can no one own the property.

Mr. Cleveland stated that he had found three different owners at one time when he was going to buy the property. I would like to buy the place if they would ever have a sheriff's sale but I have not even seen or heard of a sheriff's sale since I've been here.

Mr. Lewis stated I don't know last time this was addressed. Nancy said to send a letter to the tax attorney and that was back when Mike Land was still here. He has never answered any letter or phone calls that I know of.

Mr. Gullatt stated that is the City's tax attorney.

Mr. Lewis replied that is correct. His name is Mark Burrows. Would you like to see if you can get a hold of him.

Mr. Gullatt stated he would try.

Mr. Cleveland stated that the house is not salvageable at this time. I looked at it a month ago and they have really been working on it. I think they have even stolen the cabinets out of the house.

Mr. Birkhead stated he recommends that we just shelve this thing and look at it again at a later date. Check with the tax roll office and see if a owner has been found yet or not. The shell of the house is real good someone could rebuild the inside.

Ms. Doty stated I recommend that we strongly recommend that the City do a foreclosure for back taxes. Tabling it for 30 days and see what progress can be made at that time.

Mr. Lewis stated he would write a letter to Nancy and Alan and see what we can do. We will see what we can find out and let you know next meeting.

Mr. Williams stated there will be no action on this item at this time.

Any other business that needs to come before this board.

Mr. Lewis stated that there were the two that Mr. Beck was here about last time. They had a sale on these two pieces of property. They were at 314 and 316 West Scott st. and 421 N. Weaver st.

Mr. Williams stated they have been sold.

Mr. Lewis replied yes but they have not been closed on as of yet and the closing is set for the 23rd of February. The one on Scott st. sold for 1600 dollars and the one on Weaver st. sold for a 1000 dollars and plus the fee. The rumors I have heard is that they want to fix them up for some kind of recreation hall over there. I did send the lady that bought them a letter asking her what her intentions were and I have not heard anything back as of yet.

Ms. Doty requested what is the status on our alternates for this Board.

Mr. Lewis replied we now have two alternates which are Jim Goldsworthy and Van Knight.

Mr. Williams asked is there any other business to come before this Board. If not then I declare this meeting closed.